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**From:** Clark, Amy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E65342FADADB43E3AC26A9426AB1F9D1-CLARK, AMY]  
**Sent:** 8/10/2016 1:57:56 PM  
**To:** Knerr - CDPHE, Lisa [lisa.knerr@state.co.us]  
**Subject:** RE: Denver MS4 Permit

Great!

Amy Clark  
Stormwater Coordinator  
EPA Region 8  
1595 Wynkoop St., Mail Code 8P-W-WW  
Denver, CO 80202  
303.312.7014

**From:** Knerr - CDPHE, Lisa [mailto:lisa.knerr@state.co.us]  
**Sent:** Tuesday, August 09, 2016 2:38 PM  
**To:** Clark, Amy <Clark.Amy@epa.gov>  
**Subject:** Re: Denver MS4 Permit

Thanks Amy. I will redline a version for you and send it along. It may take me a few days.

Lisa

Lisa Knerr  
Environmental Protection Specialist  
Permits Unit 1



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24-hr Environmental Release/Incident Report Line: 1.877.518.5608

On Tue, Aug 9, 2016 at 12:01 PM, Clark, Amy <[Clark.Amy@epa.gov](mailto:Clark.Amy@epa.gov)> wrote:

Hi Lisa – I just left you a voice message also to let you know I haven't forgotten about you. Your Reg 61.4(3)(c) matches EPA's regs exactly regarding what a Phase I permit application must require. There isn't anything additional in your regulation that I saw. However, as I mentioned in my voicemail the Phase I regulations do not specify permit conditions specifically. At this point, I think it may be helpful to see the permit conditions you would like to remove (i.e. redline revision). I agree anything that isn't enforceable should either be removed or made into a clear, specific and measureable provision. Please call if you would like to chat. Thanks!

Amy Clark

Stormwater Coordinator

EPA Region 8

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**From:** Knerr - CDPHE, Lisa [mailto:[lisa.knerr@state.co.us](mailto:lisa.knerr@state.co.us)]

**Sent:** Tuesday, July 19, 2016 8:42 AM

**To:** Clark, Amy <[Clark.Amy@epa.gov](mailto:Clark.Amy@epa.gov)>

**Subject:** Re: Denver MS4 Permit

Hey Amy,

There are a bunch of them, for example, section 61.4(3)(c)(i)(E)(I) (application requirements for Phase Is) of Reg 61 states:

A description of the existing management programs to control pollutants from the municipal separate storm sewer system. The description shall provide information on existing structural and source controls, including operation and maintenance measures for structural controls, that are currently being implemented.

**The current permit states: Assess Impacts of Flood Management Projects.** The permittee shall continue to implement procedures to assure that the impact on water quality is assessed for proposed flood management projects. The following water quality impact assessment shall be ongoing.

- a) Proposed channel improvements shall be evaluated as to their stability and need for grade control structures and bank protection. Where warranted to ensure stability, such grade control structures and bank protection shall be implemented as part of the project.
- b) Proposed municipally-owned regional detention facilities shall be evaluated as to the feasibility and potential effectiveness of installing stormwater quality features. Where determined to be feasible and effective, such stormwater quality features shall be implemented as part of the project.

c) DIA: Proposed flood management projects at DIA will be assessed as described in paragraphs a) and b), above. Improvements determined to be feasible and effective must be scheduled and implemented. Security, safety, and additional regulatory requirements associated with airport operations may be included in the assessment of feasibility.

The status of the improvements, and a list of all new flood management project facility reviews required by subparagraphs (3)(a), (b), and (c) above, and whether water quality improvements were incorporated in these new projects, shall be included in each Annual Report.

These are unenforceable requirements and I would rather leave out anything unenforceable in the permit if we can. So, if you could please read that section of our regs [61.4(3)(c)] and see if there is anything in there that you/EPA would like to keep in the permit. Note that a lot of these are in the Phase II and CDOT permits. Nathan wants to keep the fiscal resources requirement in the permit, which is no problem.

Then again, if you/EPA are cool with the CDOT individual permit, then I will just model Denver's permit after that one.

Thanks,

Lisa

Lisa Knerr  
Environmental Protection Specialist  
Permits Unit 1



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On Mon, Jul 18, 2016 at 10:04 AM, Clark, Amy <[Clark.Amy@epa.gov](mailto:Clark.Amy@epa.gov)> wrote:

Hi Lisa – I got your VM. Can you send me the “old” language you are questioning if you can remove? That will help me understand if it is really a permit requirement or not. Thanks!

Amy Clark

Stormwater Coordinator

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